

### **REMARKS**

Claims 1, 2, 7, 10, 11, and 16 are pending in this application.

Applicants have amended claims 1, 10, 11, and 16, and have canceled claims 3-6, 8, 9, 12-15, and 17-32. These changes do not introduce any new matter.

#### **Translations of Priority Documents**

Applicants respectfully traverse the requirement that certified English translations of the priority documents be submitted at this time. The regulations cited by the Examiner in support of this requirement (37 C.F.R. §§ 41.154(b) and 41.202(e)) relate to proceedings before the Board of Patent Appeals and Interferences (“the Board”). As the subject application is not currently before the Board, the regulations do not require that certified English translations of the priority documents be submitted at this time. In the event that the subject application becomes involved in an interference proceeding, or Applicant needs to establish entitlement to the benefit of the filing dates of the priority documents to overcome the date of a reference relied upon by the Examiner, Applicants will provide certified English translations of the priority documents.

#### **Cancellation of Non-Elected Subject Matter**

In light of their election of claims 1-18 for prosecution on the merits, Applicants have canceled non-elected claims 19-32. Applicants reserve the right to pursue non-elected claims 19-32 in one or more timely filed divisional applications.

#### **Rejection Under 35 U.S.C. § 101**

Applicants respectfully request reconsideration of the rejection of claims 1-9 under 35 U.S.C. § 101 as being directed toward non-statutory subject matter (as noted above, claims 3-6, 8, and 9 have been canceled). Applicants have amended independent claim 1 to specify that the various modules of the claimed commodity sales system are implemented as program

instructions stored on a computer-readable storage medium. Accordingly, Applicants submit that claims 1, 2, and 7 now define statutory subject matter under 35 U.S.C. § 101, and request that the rejection of these claims thereunder be withdrawn.

Rejection Under 35 U.S.C. § 112

Applicants respectfully request reconsideration of the rejection of claims 1-9 under 35 U.S.C. § 112, second paragraph, as being indefinite (as noted above, claims 3-6, 8, and 9 have been canceled). As discussed above in connection with the rejection under 35 U.S.C. § 101, Applicants have amended claim 1 to specify that the various modules of the claimed commodity sales system are implemented as program instructions stored on a computer-readable storage medium. Applicants submit that one having ordinary skill in the art could readily determine the metes and bounds of the subject matter defined in present claim 1. Accordingly, Applicants submit that claims 1, 2, and 7, as amended herein, satisfy the definiteness requirement of 35 U.S.C. § 112, second paragraph, and request that the rejection of these claims thereunder be withdrawn.

Rejection under 35 U.S.C. § 102

Applicants respectfully request reconsideration of the rejection of claims 1-18 under 35 U.S.C. § 102(b) as being unpatentable over *Asami et al.* (“*Asami*”) (US 2001/0005833 A1) (as noted above, claims 3-6, 8, 9, 12-15, 17, and 18 have been canceled). As will be explained in more detail below, the *Asami* reference does not disclose each and every feature of the subject matter defined in independent claims 1 and 10, as amended herein.

Considering first independent claim 1, Applicants have amended this claim to specify that the commodity sales system includes a commodity price specification module, a storage module, a maximum/minimum price determination module, a tentative quote setting module, a deduction setting module, and an amount payable notification module. Support for the

changes made to claim 1 can be found in Applicants' specification at, for example, page 27, line 1 to page 28, line 20, page 34, lines 2-11, and page 47, lines 7-12.

The *Asami* reference discloses a product distribution system and method for providing information to customers in the context of such a system. The *Asami* reference does not disclose each and every feature of the subject matter defined in present claim 1. While Applicants acknowledge that the *Asami* reference can arguably be construed as suggesting "a maximum trade-in price and a minimum trade-in price corresponding to each of the components" as specified in the claimed subject matter, there is no disclosure (or suggestion) in the *Asami* reference regarding the following features:

a) determining a maximum/minimum price of the used personal computer as a sum of the maximum/minimum prices of the components;

b) determining the requirement or non-requirement of assessment and a deduction of a commodity based on comparison of the tentative quote with first and second reference values; and

c) providing notification of the maximum price and the minimum price of the used personal computer, and providing notification that, if a final trade-in price of the used personal computer determined after the assessment exceeds the minimum price, the amount of the difference between the final trade-in price and the minimum price is to be refunded to the user, when the tentative quote exceeds the first reference value.

Thus, for at least the foregoing reasons, the *Asami* reference does not disclose each and every feature of the subject matter defined in present claim 1.

Shifting to independent claim 10, this claim defines a commodity sales method that corresponds to the functionality of the commodity sales system defined in claim 1.

Applicants have amended claim 10 along the same lines that claim 1 has been amended. As such, the arguments set forth above regarding present claim 1 also apply to present claim 10.

Accordingly, independent claims 1 and 10, as amended herein, are patentable under 35 U.S.C. § 102(b) over *Asami*. Claims 2 and 7, each of which depends from claim 1, and claims 11 and 16, each of which depends from claim 10, are likewise patentable under 35 U.S.C. § 102(b) over *Asami* for at least the same reasons set forth above regarding the applicable independent claim.

#### Provisional Double Patenting Rejection

Applicants respectfully request reconsideration of the provisional obviousness-type double patenting rejection of claims 1-18 as being unpatentable over claims 1, 5, 11, 12, 20-23, and 28-30 of copending Application No. 10/674,988 (as noted above, claims 3-6, 8, 9, 12-15, 17, and 18 have been canceled). Applicants believe that the amendments to the claims made herein render the presently claimed subject matter patentably distinct from the subject matter defined in the specified claims of Application No. 10/674,988. Accordingly, Applicants request that the provisional obviousness-type double patenting rejection of present claims 1, 2, 7, 10, 11, and 16 be withdrawn.

#### Conclusion

In view of the foregoing, Applicants respectfully request reconsideration and reexamination of claims 1, 2, 7, 10, 11, and 16, as amended herein, and submit that these claims are in condition for allowance. Accordingly, a notice of allowance is respectfully requested. In the event a telephone conversation would expedite the prosecution of this application, the Examiner may reach the undersigned at **(408) 749-6902**. If any additional

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fees are due in connection with the filing of this paper, then the Commissioner is authorized to charge such fees to Deposit Account No. 50-0805 (Order No. ITECP003).

Respectfully submitted,  
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